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Name: United States Patent & Trademark Office  
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 From: Julie A. Hopper, Reg. No. 50,869 *JH*  
 Today's Date: January 27, 2005  
 Our Docket No.: 81687 (7734)  
 Pages: 18 [including this one page cover sheet]  
 Dispatched by: A. Jones

*Re: U.S. Patent Application Serial Number 10/772,766*

Transmitted herewith for filing via facsimile:

Transmittal Form (1 pg.); Terminal Disclaimer to Obviate a Double  
 Patenting Rejection Over a Prior Patent (1 pg.); Amendment and  
 Response to Office Action mailed October 27, 2004 (13 pgs.); Copy of  
 previously filed PTO/SB/08a (2 pgs.), and Fax coversheet (1 pg.).

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PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0551-0031  
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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

		Application Number	10/772,766
		Filing Date	February 4, 2004
		First Named Inventor	Joaquin Romay
		Art Unit	3765
		Examiner Name	Hoey, Alissa L.
Total Number of Pages in This Submission	18	Attorney Docket Number	81687

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input checked="" type="checkbox"/> Terminal Disclaimer	Copy of Previously filed PTO/SB/08a; Fax cover sheet to USPTO.
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		Remarks
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Julie A. Hopper (Reg. No.: 50,869) Fitch, Even, Tabin & Flannery
Signature	
Date	January 27, 2005

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Julie A. Hopper		
Signature		Date	January 27, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Docket No. 81687

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	10/772,766	<u>CERTIFICATE OF FACSIMILE TRANSMISSION</u>
Applicant(s):	Joaquin Romay	I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 703-872-9306, on this date.
Filed:	February 4, 2004	
Title:	TOE SOCK	
Examiner:	Hoey, Alissa L.	
Art Unit:	3765	Date 1/27/05 Julie A. Hopper

**AMENDMENT UNDER 37 C.F.R. § 1.111  
IN RESPONSE TO OFFICE ACTION MAILED OCTOBER 27, 2004**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed October 27, 2004, Applicants provide the following amendments and remarks: